

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARY HOOD,

Plaintiff,

vs.

WYETH LLC., et al.,

Defendants.

Case No. 2:13-cv-00531-JCM-PAL

**ORDER**

(Mtn to Stay - Dkt. #64)  
(Mtn to Withdraw - Dkt. #65)

This matter is before the court on the Motion to Stay and to Withdraw (Dkt. ##64, 65) filed April 26, 2013. Although one document, counsel properly filed the Motion as two separate Motions because it requests two forms of relief. The court has considered the Motions.

Jeffrey J. Lowe and Jacob A. Flint seek leave to withdraw as counsel of record for Plaintiff Mary Hood. The Motion represents that on February 22, 2012, Plaintiff's counsel filed a petition naming multiple plaintiffs, including Plaintiff Mary Hood, in state court in St. Louis, Missouri, captioned as *Anderson v. Wyeth, LLC*, case number 1222-cc10209. On August 8, 2012, the Missouri state court severed the claims of the various plaintiffs in the *Anderson* matter. On October 23, 2012, Defendant Teva Pharmaceuticals USA, Inc., removed the *Anderson* case to the United States District Court for the Eastern District of Missouri. On December 20, 2012, Defendants filed a Motion to Transfer (Dkt. #44), seeking to transfer the *Anderson* case to the District of Nevada.

Counsel represents that on February 28, 2013, they attempted to advise Plaintiff of the status of the case, including the upcoming transfer to the District of Nevada. They advised Plaintiff that is she wished to pursue her case, she should retain another lawyer. The letter was returned by the U.S. Postal Service because Plaintiff had moved, and her mail forwarding had expired. *See* Returned Mail, attached as Exhibit 1 to Motion. On March 8, 2013, Plaintiff's counsel re-mailed the letter to the

1 forwarding address referenced by U.S. Postal Service. The second letter was not returned by the U.S.  
2 Postal Service, but Plaintiff has failed to contact her counsel.

3 On March 21, 2013, the district judge in Missouri granted the Motion to Transfer, and the case  
4 was electronically transferred to the District of Nevada. *See* Order (Dkt. #60); Docket Notation (Dkt.  
5 #61); Minute Order (Dkt. #62). Plaintiff's counsel have also attempted to contact Plaintiff by  
6 telephone, but Plaintiff's last known phone numbers have been disconnected. Counsel have now  
7 retained a private investigator to locate Plaintiff. Counsel seeks to withdraw as counsel for Plaintiff and  
8 for a temporary stay of the case "until such time as the Plaintiff can be located for purposes of notifying  
9 the Plaintiff of her counsel's request to withdraw." Motion at 3:8-9. Additionally, counsel requests the  
10 court allow Plaintiff sixty days in which to retain new counsel or file a notice that she will proceed pro  
11 se. It does not appear counsel served the Motion to Withdraw on Plaintiff at her forwarding address.  
12 Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial  
13 or any hearing in the case would result."

14 Having reviewed and considered the matter,

15 **IT IS ORDERED:** that

- 16 1. The Motion for Stay (Dkt # 64) is Granted and a temporary stay until June 25, 2013 in  
17 entered to allow counsel for Plaintiff an opportunity to locate the Plaintiff who shall  
18 have until June 25, 2013 to retain substitute counsel if she wishes to proceed.  
19 2. The Motion to Withdraw as Counsel of Record (Dkt. #65) is Granted effective June 25,  
20 2013.

21 Dated this 6th day of May, 2013.

22   
23 PEGGY A. ZEEN  
24 UNITED STATES MAGISTRATE JUDGE  
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